



## Work Instruction

**DRAFT**

**DIRECTIVE NO.** 270-WI-6400.1.6D

**EFFECTIVE DATE:** \_\_\_\_\_

**EXPIRATION DATE:** \_\_\_\_\_

**APPROVED BY Signature:** Original Signed by

**NAME:** \_\_\_\_\_

**TITLE:** Chief, Information and Logistics  
Management Division

### **COMPLIANCE IS MANDATORY**

**Responsible Office:** 270/Information and Logistics Management Division

**Title:** GSFC Export Control Office

## **PREFACE**

### **P.1 PURPOSE**

The purpose of this document is to outline the procedures for the exporting and importing of material (hardware, software and technical data) to and from international destinations. These procedures ensure, to the greatest extent possible, that the GSFC Export Control Office provides the necessary quality service to the GSFC community (Greenbelt, Wallops, IV&V, GISS, and associated contractors) and its customers in exporting and importing material in a timely manner to and from foreign destinations. This work instruction supplements guidance contained in NPR 2190.1.

### **P.2 APPLICABILITY**

This work instruction applies to the GSFC Export Control Office, Code 274.

### **P.3 REFERENCES**

- a. 14 CFR Part 1217, Aeronautics and Space – Duty-Free Entry of Space Articles
- b. 15 CFR Part 30, Commerce and Foreign Trade – Foreign Trade Statistics
- c. 15 CFR Parts 730-774, Commerce and Foreign Trade – Export Administration Regulations
- d. 22 CFR Parts 120-130, Foreign Relations – International Traffic in Arms Regulations
- e. NPR 1371.2, Procedural Requirements for Processing Requests for Access to NASA Installations or Facilities by Foreign Nationals or U.S. Citizens who are Representatives of Foreign Entities
- f. NPR 2190.1, NASA Export Control Program
- g. NPR 2200.2, Guidelines for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information
- h. NPR 2210.1, External Release of NASA Software
- i. NASA Form 1676, NASA Scientific and Technical Document Availability Authorization (DAA)
- j. NASA Form 1679, Disclosure of Invention and New Technology (Including Software)
- k. GSFC Form 20-4, Transfer/Shipping Request
- l. GSFC Form 25-49, GSFC STI Public Disclosure Export Control Checklist
- m. GSFC Form 25-51, GSFC Software Public Disclosure Export Control Checklist

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 2 of 17

#### **P.4 CANCELLATION**

270-WI-6400.1.6C, GSFC Export Control Office

#### **P.5 TOOLS, EQUIPMENT, AND MATERIALS**

There are no special tools, equipment or materials associated with this work.

#### **P.6 SAFETY PRECAUTIONS AND WARNINGS**

None

#### **P.7 TRAINING**

All individuals permanently assigned to the GSFC Export Control Office shall maintain a current knowledge of applicable U.S. export control laws and regulations, and NASA export control policies and procedures. In addition, those individuals should attend at least one export control seminar annually.

#### **P.8 RECORDS**

<b>Record Title</b>	<b>Record Custodian</b>	<b>Retention</b>
GSFC Form 20-4, Transfer/Shipping Request (export control copy)	International Program Specialist	<u>*NRRS 6/2</u> Destroy 6 years after the period of the account.
STI Review Files (export control copy) <ul style="list-style-type: none"><li>• Route Slip</li><li>• NASA Form 1676, NASA Scientific and Technical Document Availability Authorization (DAA)</li><li>• GSFC Form 25-49, GSFC STI Public Disclosure Export Control Checklist</li><li>• Copy of presentation/abstract</li></ul>	International Program Specialist	<u>NRRS 2/8D1a</u> Destroy 2 years after meeting or publication date cited on the DAA form or when 5 years old, whichever is sooner.
Foreign Visitor Review Files (export control copy)	International Program Specialist	<u>NRRS 1/35</u> Destroy 2 years after termination of visit.
Software Release Review Files (export control copy)	International Program Specialist	<u>NRRS 2/8D1a</u> Destroy 2 years after release approval date.
Export Control Audit Files (both internal and external audits)	Center Export Administrator	<u>NRRS 1/26</u>

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 3 of 17

		Destroy when 2 years old.
Export Control Training Files	Center Export Administrator	<u>NRRS 3/19</u> Records are not authorized for disposal at this time.

\*NRRS – NASA Record Retention Schedules (NPR 1441.1)

*Note: Regardless of the records schedule information, all records are kept a minimum of five years.*

## **P.9 MEASUREMENT/VERIFICATION**

The GSFC Export Control Auditor shall conduct an annual audit of the GSFC Export Control Program (in accordance with guidance provided by NASA Headquarters and to include any additional areas identified by the GSFC Center Export Administrator) to assess its overall effectiveness and compliance with appropriate laws and regulations.

## **INSTRUCTIONS**

In this document, a requirement is identified by “shall,” a good practice by “should,” permission by “may” or “can,” expectation by “will,” and descriptive material by “is.”

### **1. Responsibilities**

#### **1.1 Center Export Administrator**

The Center Export Administrator (CEA) shall be appointed by the Goddard Center Director and is responsible for assessing and ensuring compliance of all Center program activities with U.S. export control laws and regulations. Specifically, the CEA shall:

- a. Maintain a working knowledge of current EAR and ITAR provisions and requirements applicable to NASA Programs;
- b. Ensure the completion and maintenance of necessary licensing documents regarding specific transfers pursuant to Center programs which are subject to the EAR and the ITAR (completion of export control documents may be accomplished by knowledgeable Project Managers and other knowledgeable NASA Center personnel);
- c. Serve as the Goddard point-of-contact for the NASA Headquarters Export Administrator (HEA);
- d. Coordinate with the Goddard Chief Counsel, Transportation Officer, Project Managers, and other appropriate officials on export control matters affecting NASA programs. When the CEA, in consultation with these officials, determines that a proposed export or transfer would not be in

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conformance with the EAR or the ITAR, the CEA shall suspend such activity pending resolution with other concerned offices or agencies;

- e. Develop an annual training plan for responsible Goddard Center personnel and maintain attendance lists of those individuals attending training;
- f. Approve and route all licensing requests for Center projects to the HEA for processing by the Department of State or Department of Commerce, as appropriate; and
- g. Manage the activities of the GSFC Export Control Office.

## **1.2 GSFC Export Originators/Coordinators**

Individuals who originate/coordinate the export of hardware, software or technical data, are responsible for coordinating those activities with the GSFC Export Control Office (Code 274). GSFC Export Originators/Coordinators are also responsible for coordinating with the GSFC Export Control Office for exports to other U.S. locations that will transport through foreign locations (e.g., shipments to Alaska via Canada).

## **1.3 GSFC Export Control Office, Code 274**

The GSFC Export Control Office provides export/import guidance for all NASA international exports/imports to and from GSFC. This includes export/import of materials (hardware, software and technical data) to U.S. and foreign destinations.

1.3.1 The GSFC Export Control Office shall provide export approval of the GSFC Form 20-4 for the physical import/export of materials (hardware, software and technical data) to/from international destinations.

1.3.2 The GSFC Export Control Office shall provide export approval of the NASA Form 1676 approving the release of NASA Technical Data for public or limited dissemination. The GSFC Export Control Office shall utilize and update the GSFC Form 25-49, GSFC STI Public Disclosure Export Control Checklist, as required, to support this effort.

1.3.3 The GSFC Export Control Office shall provide export approval and/or advisory opinions to Code 240 and Code 800 as requested, to support foreign visitors at the Greenbelt and Wallops campuses.

1.3.4 The GSFC Export Control Office shall provide export approval and/or advisory opinions to the Innovative Partnerships Program Office, Code 504, as requested to support the external release of NASA software. A NASA Form 1679, Disclosure of Invention and New Technology (including Software), is used for the software release process.

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1.3.5 The GSFC Export Control Office shall assist all appropriate Goddard employees in gaining awareness of their responsibilities and obligations in preparing for and processing exports/imports of hardware, software and/or technical data in the U.S., and to/from foreign destinations. Goddard employees include Government and Contractor personnel.

1.3.6 The GSFC Export Control Office shall conduct awareness training for the Center on an as needed or as requested basis.

1.3.7 The GSFC Export Control Office shall participate in project planning phases to ensure projects are aware of export requirements in project development stages.

1.3.8 The GSFC Export Control Office shall make interpretations of:

- a. The Department of State's International Traffic in Arms Regulations (22 CFR); and
- b. The Department of Commerce's export and import regulations (15 CFR); and
- c. Any other laws, regulations and policies concerning exports and imports;

1.3.9 The GSFC Export Control Office shall determine the controlling agency and the proper authority within the agency for the export:

- a. The Department of State; or
- b. The Department of Commerce

1.3.10 The GSFC Export Control Office shall supply Export Originators/Coordinators with sample documentation for:

- a. Hand carry of hardware, software and/or technical data to foreign destinations;
- b. Release of technical data into the public domain, i.e. export checklist for the appropriate release of NASA Technical Data into public domain.
- c. Forms for license applications to State and Commerce Department.
- d. Format for GSFC Form 20-4 Transfer/Shipping Request & continuation sheets.
- e. Development of Memorandum of Understanding, Letter of Agreement, Interim Letter of Agreement, etc.
- f. Commodity Classification Requests from Department of Commerce and Department of State.
- g. Non-disclosure agreements
- h. Technology Transfer Control Plans (TTCP)

#### **1.4 Traffic Management Office (Code 279)**

The Traffic Management Offices at Greenbelt and Wallops shall arrange for international shipments from the Greenbelt and Wallops locations or from other prearranged locations.

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 6 of 17

1.4.1 The Traffic Management Office shall not process a GSFC Form 20-4 for export or import unless the proper controlling agency and export authority has been identified, and the request has been approved by the GSFC Export Control Office. If the controlling agency or export authority has not been approved, the GSFC Form 20-4 shall be returned to the GSFC Export Control Office, or in limited cases, to the Export Originator/Coordinator.

1.4.2 The Traffic Management Office shall make transportation arrangements and initiate documentation in accordance with the controlling agency and export authority cited by the GSFC Export Control Office on the applicable documentation, (e.g., Government Bill of Lading, Air Bill, Shipper's Export Declaration (SED), Destination Control Statements, and letters of authority and direction for items to be hand-carried).

## **1.5 The GSFC Office of Chief Counsel, Code 140**

The Office of Chief Counsel shall appoint an individual to serve as the Center Export Counsel. This individual shall assist the GSFC Export Control Office in areas of regulation interpretation, patent infringement, contract disputes, software-hardware patent clarifications, and other matters on an as requested basis.

## **2. Procedures**

### **2.1 International Shipments (Shipments or Hand-carry)**

#### **2.1.1 Export Originator/Coordinator**

2.1.1.1 When it is determined that a Project or other organization will need to export materials to a foreign location via a shipping and/or hand-carry effort, or if materials are to be physically turned over to a foreign national while on U.S. soil, the Export Originator/Coordinator shall coordinate with the GSFC Export Control Office as far in advance of the export as possible to determine the controlling agency and proper export authority within the controlling agency.

2.1.1.2 The Export Originator/Coordinator shall prepare a GSFC Form 20-4, well in advance of the export, to include:

- a. Accurate and complete description of material to be exported;
- b. Copy of Memorandum of Understanding, Letter of Agreement or other cooperative agreement with a foreign country (if applicable);
- c. Contracting Officer's approval for international contracts (if applicable);
- d. Exact export destination, including complete shipping address;
- e. NASA representative name or name of host country representative;
- f. NASA Project name; and
- g. Property Management Office approval.

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 7 of 17

Note: Instructions for completing a GSFC Form 20-4 are found on the back of the form.

2.1.1.3 The Export Originator/Coordinator shall deliver the completed GSFC Form 20-4 to the GSFC Export Control Office, Building 27, or fax a copy of the document to the GSFC Export Control Office. Personnel at Wallops shall fax a copy of the GSFC Form 20-4 to the GSFC Export Control Office. The original GSFC Form 20-4 is then delivered to the WFF Traffic Management Office, Bldg. D-49.

2.1.1.4 After a copy of the GSFC Form 20-4 is approved by the GSFC Export Control Office, the GSFC Originator/Coordinator shall deliver or fax the approved GSFC Form 20-4 to the Traffic Management Section, Code 279, to arrange for transporting the materials. The GSFC Export Control Office shall fax the approved GSFC Form 20-4 for Wallops projects to the WFF Traffic Management Office, Code 279. The WFF Traffic Management Office, Code 279 shall then coordinate transport of the shipment.

## **2.1.2 GSFC Export Control Office (Code 274)**

2.1.2.1 The GSFC Export Control Office shall utilize the framework of the NASA Export Control Program and applicable Federal regulations to evaluate each Import/Export shipment/hand-carry action.

2.1.2.2 The GSFC Export Control Office shall evaluate and document each presented import/export action on a GSFC Form 20-4 for export jurisdiction, licensing requirements, export commodity control numbers, Shipper's Export Declaration, Destination Control Statement, etc.

2.1.2.3 For export actions, the GSFC Export Control Office shall ensure that a fully authorized NASA cooperative agreement (e.g., NASA Memorandum of Understanding, Letter of Agreement, and Interim Letter of Agreement) is in place before approving export actions.

2.1.2.4 The GSFC Export Control Office shall contact the Export Coordinator to secure additional technical information or international agreement information as required.

2.1.2.5 All hand-carry GSFC Form 20-4's shall be approved by the Property Management Office prior to export approval. These GSFC Form 20-4's can be faxed to the Property Management Office for approval or can be hand-carried to the Property Management Office.

2.1.2.6 The GSFC Export Control Office shall forward the signed and documented GSFC Form 20-4 to the Traffic Management Office for actions requiring traffic management services or back to the Export Originator/Coordinator for hand-carry actions that do not require additional Traffic Management support or documentation.

2.1.2.7 The GSFC Export Control Office shall retain a copy of documentation pertinent to the export decision for each shipping action in response to a GSFC Form 20-4 for a period of five years.

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## **2.2 Imports (Shipments or Hand-carry)**

### **2.2.1 Import Originator/Coordinator**

2.2.1.1 When it is determined that a Project or other organization will need to import materials into the U.S. from a foreign location via a shipping and/or hand-carry effort, the Import Originator/Coordinator shall coordinate with the GSFC Export Control Office, as far in advance of the import as possible to determine the import authority within the controlling agency.

2.2.1.2 The Import Originator/Coordinator shall prepare a GSFC Form 20-4 well in advance of the import, to include:

- a. Accurate and complete description of material to be imported, to include if items are of United States origin;
- b. Copy of Memorandum of Understanding, Letter of Agreement or other cooperative agreement with a foreign country (if applicable);
- c. Copy of NASA Import Certification, if applicable;
- d. Exact pickup location;
- e. NASA representative name or name of host country representative and telephone number; and
- f. NASA Project name.

Note: Instructions for completing a GSFC Form 20-4 are found on the back of the form.

2.2.1.3 The Import Originator/Coordinator shall deliver the completed GSFC Form 20-4 to the GSFC Export Control Office, Code 274, Building 27, or fax a copy of the document to the GSFC Export Control Office. Personnel at Wallops shall fax a copy of the GSFC Form 20-4 to the GSFC Export Control Office. The original GSFC Form 20-4 is then delivered to the WFF Traffic Management Office, Code 279.

2.2.1.4 The Import Originator/Coordinator may also deliver the completed GSFC Form 20-4 to the Greenbelt Traffic Management Office, Code 279, Building 16W, or fax them a copy of the document.

2.2.1.5 After a copy of the GSFC Form 20-4 is approved by the GSFC Export Control Office, the GSFC Originator/Coordinator shall deliver the approved GSFC Form 20-4 to the Traffic Management Office, Code 279, to arrange for transporting the materials, or a copy of the approved GSFC Form 20-4 may be faxed to the Greenbelt Traffic Management Office. The approved GSFC Form 20-4 for Wallops projects shall be faxed to the WFF Traffic Management Office by the GSFC Export Control Office, Code 274. The WFF Coordinator shall then arrange for transporting the materials.

### **2.2.2 GSFC Export Control Office (Code 274)**

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 9 of 17

2.2.2.1 The GSFC Control Office shall utilize the framework of the NASA Export Control Program, and applicable Federal regulations to evaluate each import action.

2.2.2.2 The GSFC Export Control Office shall evaluate and document each presented import action on the GSFC Form 20-4 (e.g., Returned American Goods, foreign hardware for partners under NASA cooperative programs).

2.2.2.3 For import actions in support of NASA Cooperative Programs, the GSFC Export Control Office shall ensure that a fully authorized NASA cooperative agreement (e.g., NASA Memorandum of Understanding, Letter of Agreement, or Interim Letter of Agreement) and a Program Import Certification, as applicable, is in place before approving import actions.

2.2.2.4 The GSFC Export Control Office shall contact the Import Originator/Coordinator to secure additional technical information or international agreement information as required.

2.2.2.5 The GSFC Export Control Office shall forward the signed and documented GSFC Form 20-4 to the Traffic Management Office, as required, for actions requiring Traffic Management Services or back to the Import Originator/Coordinator for hand-carry actions that do not require additional Traffic Management support or documentation.

2.2.2.6 The GSFC Export Control Office shall retain a copy of the documentation pertinent to each import decision for each shipping action in response to a GSFC Form 20-4.

## **2.3 Scientific and Technical Information (STI) Reviews**

### **2.3.1 Export Coordinator/STI Author**

2.3.1.1 When it is determined that a Project or other organization desires to release NASA Scientific and Technical Information (STI) in the U.S. in a public forum or to a foreign location, the Export Coordinator/STI Author shall obtain Export Control approvals.

2.3.1.2 The Export Coordinator/STI Author shall prepare a NASA Scientific and Technical Document Availability Authorization, NASA Form 1676, well in advance of the dissemination, in accordance with NASA NPR 2200.2.

Note: Instructions for completing the NASA Form 1676 are contained on the form.

2.3.1.3 The Export Coordinator/STI Author shall complete a GSFC STI Public Disclosure Export Control Checklist, GSFC Form 25-49, to assist in the Export Control review and approval for submitted NASA Form 1676's.

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2.3.1.4 The Export Coordinator/STI Author shall route the NASA Form 1676, GSFC Form 25-49, and a copy of the presentation, abstract or other information to the GSFC Export Control Office via mail, fax or the electronic Document Availability Authorization (DAA) system.

### **2.3.2 GSFC Export Control Office (Code 274)**

2.3.2.1 The GSFC Export Control Office shall utilize the framework of the NASA Export Control Program, the ITAR, the EAR, and NPR 2200.2 to evaluate each release of NASA scientific and technical information.

2.3.2.2 The GSFC Export Control Office shall evaluate each presented NASA Scientific and Technical Document Availability Authorization, NASA Form 1676, and utilize each GSFC Form 25-49 to assess the proper release in response to an STI release request.

2.3.2.3 The GSFC Export Control Office shall contact the Export Coordinator/STI author to secure additional technical information or to seek clarification as required.

2.3.2.4 The NASA Form 1676, GSFC Form 25-49 and presentation/abstract is then forwarded in accordance with the instructions of the Export Coordinator/STI author to the next desired location (e.g., mailed to next location for approval, picked up by STI author or representative, faxed back to Export Coordinator/STI author, or sent to the next approver via the electronic DAA system).

2.3.2.5 The GSFC Export Control Office shall retain a copy of documentation pertinent to the export decision for each STI case.

## **2.4 Review of Foreign Visitors to GSFC (Advisory Opinions)**

### **2.4.1. International Visits Coordinator (IVC) (Greenbelt/Wallops)**

2.4.1.1 When it is determined that a Project or other organization desires to have non-Permanent U.S. resident visit either the Greenbelt or Wallops campuses of the Goddard Space Flight Center, they will initiate a request into the Identity Management (IDMAX) system. Complete and detailed information is required to allow the GSFC Export Control Office to make an appropriate export control decision.

2.4.1.2 The respective IVC shall then enter their data into IDMAX and complete the appropriate areas for Export Control.

### **2.4.2 GSFC Export Control Office (Code 274)**

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2.4.2.1 The GSFC Export Control Office shall utilize the framework of the NASA Export Control Program, the ITAR, the EAR, and NPR 1371.2 to evaluate each proposed visit of a non-Permanent U.S. resident.

2.4.2.2 The GSFC Export Control Office shall evaluate each presented foreign visit profile, evaluating considerations such as where the individuals are from, what they will be doing at GSFC, the purpose of the visit, and where they will be doing their activities.

2.4.2.3 The GSFC Export Control Office shall contact the respective International Visits Coordinator for information or sponsor of the foreign visitor, to seek clarification as required.

2.4.2.4 The GSFC Export Control Office shall provide a concurrence or non-concurrence for each foreign visit entry in the appropriate area in IDMAX.

2.4.2.5 The GSFC Export Control Office shall retain a copy of documentation pertinent to the export decision for each foreign visitor case.

## **2.5 External Release of NASA Software (Advisory Opinions)**

### **2.5.1. Innovative Partnerships Program (IPP) Office (Code 504)**

2.5.1.1 When it is determined that a Project or other organization desires to release NASA software into the public domain, to limited foreign entities or to U.S. entities, the IPP Office shall contact the GSFC Export Control Office, if either an approval is required and/or an advisory opinion is desired for the proposed release.

2.5.1.2 The IPP Office shall ensure completion of a Disclosure of Invention and New Technology form (NASA Form 1679). In addition, the IPP Office shall ensure completion of a GSFC Software Public Disclosure Export Control Checklist, (GSFC Form 25-51) for public release of NASA software.

2.5.1.3 The IPP Office shall forward the completed NASA Form 1679 and GSFC Form 25-51 (when required) to the GSFC Export Control Office via e-mail for approvals.

### **2.5.2 GSFC Export Control Office (Code 274)**

2.5.2.1 The GSFC Export Control Office shall utilize the framework of the NASA Export Control Program, the ITAR, the EAR, and NPR 2210.1 to evaluate each proposed external release of NASA software.

2.5.2.2 The GSFC Export Control Office shall evaluate each software release proposal, evaluating such considerations such as where the software would be released (country and entity), what the capabilities of the software are, and if available, what the foreign end-use of the software would be.

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 12 of 17

2.5.2.3 The GSFC Export Control Office shall contact the IPP Office for additional information or originator of the software release request to seek clarification as required.

2.5.2.4 The GSFC Export Control Office shall provide a concurrence or non-concurrence for each external software release request via e-mail to the IPP Office.

2.5.2.5 The GSFC Export Control Office shall retain a copy of documentation pertinent to the export decision for each external software release case.

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## **Appendix A – Definitions**

- A.1 Advisory Opinion – The activity of providing comments or opinions to support export decisions with or without authority to approve the export action.
- A.2 Center Export Administrator (CEA) – The individual appointed by the Center Director to be responsible for assessing and ensuring compliance of all Center activities with U.S. export control laws and regulations.

- A.3 Defense Article – Any item on the USML, including "technical data."

Note: Contrary to popular opinion, Defense Articles are not exclusively "military" items; e.g., all remote sensing satellites are "Defense Articles," the "Space Shuttle" is a "Defense Article," etc.

- A.4 Destination Control Statement – Statement annotated on NASA technical data, and shipping documentation, as required, to place a restriction on the further release (transfer) of NASA hardware, software and technical data beyond the parties of a NASA international agreement.
- A.5 Exception – An authorization that allows the export or re-export, under stated conditions, items subject to the Export Administration Regulations (EAR) that would otherwise require a license.
- A.6 Exemption – Relief from the securing of an export license or other written approval from the Office of Defense Trade Controls to export defense articles or defense services.
- A.7 Export – A Simplified Definition - The transfer of anything to a "Foreign Person" by any means, anywhere, anytime, or the knowledge that what you are transferring to a "U.S. Person," will be further transferred to a "Foreign Person."

Note: The method of transfer can be by a variety of means, including but no limited to the following: mail, fax, e-mail, websites, shipping; hand carry, phone or face-to-face discussion.

- (1) Export – Export Administration Regulations (EAR), 15 CFR Parts 768-799 - Export means "the physical movement of all hardware and/or technical data to another country for any purpose, whether or not the hardware and/or technical data is explicitly listed on the Commerce Control List (CCL). It includes domestic disclosures of technical data and software to foreign nationals, and domestic transfers with the knowledge or intent that the transferred hardware, software, or technical data will be provided to a foreign party."
- (2) Export – International Traffic In Arms Regulations (ITAR), 22 CFR Part 120.17 - Sending or taking a "defense article" out of the U.S. in any manner, except by mere travel outside of the U.S. by a person whose personal knowledge includes "technical data," or transferring registration, control, or ownership to a foreign person of any aircraft, vessel, or satellite covered by the United States Munitions List (USML), whether in the U.S. or abroad; or

CHECK THE GSFC DIRECTIVES MANAGEMENT SYSTEM AT

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**DIRECTIVE NO.** 270-WI-6400.1.6D  
**EFFECTIVE DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

Page 14 of 17

Disclosing (including oral or visual) or transferring in the U.S. any "defense article" to an embassy, any agency or subdivision of a foreign government; or disclosing (including oral or visual disclosure) or transferring "technical data" to a "foreign person," whether in the U.S. or abroad; or performing a "defense service" on behalf of or for the benefit of a foreign person, whether in the U.S. or abroad.

- A.8 Foreign Person – Any natural person who is not a lawful permanent resident as defined in 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324(a)(3).
- A.9 Government Bill of Lading – Contract of carriage for U.S. Government freight traffic.
- A.10 Interim Letter of Agreement – A temporary international agreement in use while the final international agreement is pending.
- A.11 Letter of Agreement – Similar to a Memorandum of Understanding, but less detailed. This usually covers a "routine NASA international agreement."
- A.12 Memorandum of Understanding – Contractual/cooperative agreement between NASA and a foreign space agency. This usually covers a "significant international agreement."
- A.13 NASA Import Certification – Allowance as provided for in 14 CFR Part 1217 to support the duty free entry of one or a series of imports from a NASA international partner, in support of a signed international agreement.
- A.14 Public Domain – Information which is published and which is generally accessible or available to the public through: sales at newsstands and bookstores; subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; second class mailing privileges granted by the government; libraries open to the public or from which the public can obtain documents; through patents available at any patent office; unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States; public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.

Note: Fundamental Research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research, the results of which are restricted for proprietary reasons or specific U.S. government access and dissemination controls. University research will not be considered "fundamental research" if: the University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project

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or activity, or the research is funded by the U.S. government and specific access and dissemination controls protecting information resulting from the research are applicable.

- A.15 Scientific and Technical Information (STI) – Scientific and technical information is text, data or plans contained in presentations or publications that may be disclosed to foreign audiences.
- A.16 Shipper's Export Declaration (SED) – The SED is a Commerce Department form which is required by law (Chapter 9, Title 13, United States Code) and regulation (Title 15, Code of Federal Regulations, Part 30) to enable the Census Bureau to compile the official U.S. export statistics and the Bureau of Export Administration (Commerce), the U.S. Customs Service, the Department of State and other U.S. Government Agencies to enforce U.S. laws relating to exporting.
- A.17 Technical Data – Information, including software, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of "defense articles."

Note: Does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the "public domain." It also does not include basic marketing information or function or purpose or general system descriptions of "defense articles."

- A.18 U.S. Person – A natural person who is a lawful permanent resident as defined in 8 U.S.C. 1101(a)(20) or who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the U.S. It also includes any governmental (federal, state or local) entity.

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Page 16 of 17

## **Appendix B – Acronyms**

CEA	Center Export Administrator
CCL	Commerce Control List
DAA	Document Availability Authorization
EAR	Export Administration Regulations
HEA	Headquarters Export Administrator
IDMAX	Identity Management
IPP	Innovative Partnerships Program
ITAR	International Traffic In Arms Regulations
IVC	International Visits Coordinator
SED	Shipper's Export Declaration
STI	Scientific and Technical Information
TTCP	Technology Transfer Control Plan
USML	United States Munitions List

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Page 17 of 17

### CHANGE HISTORY LOG

Revision	Effective Date	Description of Changes
Baseline	8/3/00	Initial Release
A	2/15/05	<ul style="list-style-type: none"><li>• Changed directive title.</li><li>• General revision to update work instruction to new format.</li><li>• General revision to update organizational names/codes and directive names/numbers.</li><li>• General revision to delete all appendices.</li><li>• General revision to clarify requirements and remove ambiguity as part of the “GSFC Internal Rules Review.”</li><li>• P.8 – Software Release Review File retention time changed, and added “Export Control Training Files” as a record.</li><li>• 2.1.2.5 – Added NEMS Control Office approval for hand carry of items.</li><li>• 2.4 – Changed approval process for international visits from a hard copy review to an electronic system review through NFNMS.</li><li>• 2.5.2.4 – Changed approval process for software releases from a hard copy review to an e-mail review process.</li></ul>
B	2/9/06	<ul style="list-style-type: none"><li>• General revision to update organizational names/codes.</li><li>• 3 – Added process for documenting administrative changes and updates to previously approved documents.</li></ul>
B	5/14/06	<ul style="list-style-type: none"><li>• Administratively updated to reflect a change in the owning organization code from 230 to 270.</li></ul>
C	2/10/11	<ul style="list-style-type: none"><li>• General revision to update work instruction to the new template.</li><li>• General revision to update organizational names/codes.</li><li>• 2.3 – Updated process to include use of electronic DAA system.</li><li>• 2.4 – Updated process to include use of IDMAX.</li><li>• Removed phone numbers and fax numbers.</li></ul>
D		

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